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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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TRACY HØEG, M.D., Ph.D.; RAM
DURISETI, M.D., Ph.D.; AARON
KHERIATY, M.D.; PETE
MAZOLEWSKI, M.D.; and AZADEH
KHATIBI, M.D., M.S., M.P.H.,

Plaintiffs,

v.

GAVIN NEWSOM, Governor of the
State of California, in his
official capacity; KRISTINA
LAWSON, President of the
Medical Board of California, in
her official capacity; RANDY
HAWKINS, M.D., Vice President
of the Medical Board of
California, in his official
capacity; LAURIE ROSE LUBIANO,
Secretary of the Medical Board
of California, in her official
capacity; MICHELLE ANNE BHOLAT,
M.D., M.P.H., DAVID E. RYU,
RYAN BROOKS, JAMES M. HEALZER,
M.D., ASIF MAHMOOD, M.D.,
NICOLE A. JEONG, RICHARD E.
THORP, M.D., VELING TSAI, M.D.,
and ESERICK WATKINS, members of
the Medical Board of
California, in their official
capacities; and ROB BONTA,
Attorney General of California,

No. 2:22-cv-01980 WBS AC

1 in his official capacity;
2 Defendants.

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4 LETRINH HOANG, D.O.; PHYSICIANS
5 FOR INFORMED CONSENT, a not-for
6 profit organization; and
7 CHILDREN'S HEALTH DEFENSE,
8 CALIFORNIA CHAPTER, a
9 California Nonprofit
10 Corporation;

11 Plaintiffs,

12 v.

13 ROB BONTA, in his official
14 capacity as Attorney General of
15 California; and ERIKA CALDERON,
16 in her official capacity as
17 Executive Officer of the
18 Osteopathic Medical Board of
19 California;

20 Defendants.

No. 2:22-cv-02147 WBS AC

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22 STATUS (PRETRIAL SCHEDULING) ORDER

23 After reviewing the parties' Joint Status Report, the
24 court makes the following findings and orders.

25 I. SERVICE OF PROCESS

26 All defendants have been served, and no further service
27 is permitted without leave of court, good cause having been shown
28 under Federal Rule of Civil Procedure 16(b).

II. JOINDER OF PARTIES/AMENDMENTS

No further joinder of parties or amendments to
pleadings will be permitted except with leave of court, good
cause having been shown under Federal Rule of Civil Procedure
16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604

1 (9th Cir. 1992).

2 III. JURISDICTION/VENUE

3 The court has federal question jurisdiction, 28 U.S.C.
4 § 1331, because the action is brought under 42 U.S.C. § 1983.
5 Venue is undisputed and hereby found to be proper.

6 IV. DISCOVERY

7 The parties agree that no discovery is needed at this
8 time. Accordingly, the court will not set any discovery
9 deadlines.

10 V. SUMMARY JUDGMENT MOTION HEARING SCHEDULE

11 Plaintiffs' motion for summary judgment shall be filed
12 on or before **October 2, 2023**. The motion shall be noticed for
13 hearing no earlier than **January 2, 2024**. Defendants cross-motion
14 for summary judgment and opposition shall be filed on or before
15 **November 2, 2023**. Plaintiffs' reply and opposition to the cross-
16 motion shall be filed on or before **December 4, 2023**. Defendants'
17 reply in support of its cross-motion for summary judgment shall
18 be filed on or before **December 18, 2023**. Counsel are cautioned
19 to refer to the local rules regarding the requirements for
20 noticing and opposing such motions on the court's regularly
21 scheduled law and motion calendar.

22 VI. FINAL PRETRIAL CONFERENCE

23 The Final Pretrial Conference is set for **September 23,**
24 **2024**, at 1:30 p.m. in Courtroom No. 5. The conference shall be
25 attended by at least one of the attorneys who will conduct the
26 trial for each of the parties and by any unrepresented parties.

27 Counsel for all parties are to be fully prepared for
28 trial at the time of the Pretrial Conference, with no matters

1 remaining to be accomplished except production of witnesses for
2 oral testimony. Counsel shall file separate pretrial statements,
3 and are referred to Local Rules 281 and 282 relating to the
4 contents of and time for filing those statements. In addition to
5 those subjects listed in Local Rule 281(b), the parties are to
6 provide the court with: (1) a plain, concise statement which
7 identifies every non-discovery motion which has been made to the
8 court, and its resolution; (2) a list of the remaining claims as
9 against each defendant; and (3) the estimated number of trial
10 days.

11 In providing the plain, concise statements of
12 undisputed facts and disputed factual issues contemplated by
13 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
14 that remain at issue, and any remaining affirmatively pled
15 defenses thereto. If the case is to be tried to a jury, the
16 parties shall also prepare a succinct statement of the case,
17 which is appropriate for the court to read to the jury.

18 VII. TRIAL SETTING

19 The trial is set for **November 19, 2024** at 9:00 a.m. The
20 parties estimate that the trial will last seven to ten days.

21 VIII. SETTLEMENT CONFERENCE

22 A Settlement Conference with a magistrate judge will be
23 set at the time of the Pretrial Conference. Counsel are
24 instructed to have a principal with full settlement authority
25 present at the Settlement Conference or to be fully authorized to
26 settle the matter on any terms. At least seven calendar days
27 before the Settlement Conference counsel for each party shall
28 submit a confidential Settlement Conference Statement for review

1 by the settlement judge. The Settlement Conference Statements
2 shall not be filed and will not otherwise be disclosed to the
3 trial judge.

4 IX. MODIFICATIONS TO SCHEDULING ORDER

5 Any requests to modify the dates or terms of this
6 Scheduling Order, except requests to change the date of the
7 trial, may be heard and decided by the assigned Magistrate Judge.
8 All requests to change the trial date shall be heard and decided
9 only by the undersigned judge.

10 IT IS SO ORDERED.

11 Dated: May 12, 2023



12 WILLIAM B. SHUBB
13 UNITED STATES DISTRICT JUDGE
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